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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,988	04/19/2001	Hideki Masudaya	9281-3982	8875

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EXAMINER
ANYASO, UCHENDU O

ART UNIT	PAPER NUMBER
2675	9

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/837,988	MASUDAYA, HIDEKI	
	Examiner	Art Unit	
	Uchendu O Anyaso	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. **Claim 1-20** are pending in this action.

Claim Rejections - 35 USC ' 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-3, 5-7, 9-11** and **13-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Palalau* (U.S. 6,373,472) in view of *Kushion* (U.S. 6,271,637).

Regarding **independent claims 1, 3, 9 and 11**, and for **claim 7**, Palalau teaches a driver control interface for a vehicle wherein a plurality of function that correspond to a plurality of electronic devices (column 1, lines 8-9, 52-60).

Furthermore, Palalau teaches a CPU 120 which controls the electronic devices (column 6, lines 64 through column 7, line 6, figure 12a at 120).

Furthermore, Palalau teaches a warning graphic 98 for generating a warning graphic for informing an operator of a mistaken action (column 5, lines 63 through column 6, line 3, figure 8 at 98).

Furthermore, Palalau teaches how the CPU 120 controls feature switches 28 and numerous vehicle components such as engine operating information and electronic systems (column 6, line 61 through column 7, line 6, figure 12a at 120). Also, Palalau teaches how the warning graphic 98 would be displayed for a predetermined length of time or until the driver

acknowledges having seen the warning by feature group switch (column 5, line 63 through column 6, line 3, figure 8 at 98).

However, Palalau does not teach a mistake or error counter for monitoring the operation on the feature switches to count and store the number of mistakes on each of the feature switches. On the other hand, Kushion teaches a diagnostic system for automobiles that can detect various electric failures, and signal the failure to the operator (column 1, lines 22-24) wherein a counter adapted to increment a count upon each instance of an error signal and to generate an accumulative error signal upon a count exceeding a predetermined threshold value (column 6, lines 15-18; column 4, lines 35-55, figure 5 at 36).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Palalau and Kushion's inventions because while teaches a driver control interface for a vehicle wherein a plurality of function that correspond to a plurality of electronic devices (column 1, lines 8-9, 52-60) wherein a warning graphic 98 would be displayed for a predetermined length of time or until the driver acknowledges having seen the warning by feature group switch (column 5, line 63 through column 6, line 3, figure 8 at 98), Kushion teaches a diagnostic system for automobiles that can detect various electric failures such that a counter is adapted to increment a count upon each instance of an error signal and to generate an accumulative error signal upon a count exceeding a predetermined threshold value (column 6, lines 15-18; column 4, lines 35-55, figure 5 at 36). The motivation for combining these inventions would have been to provide an electric system for measuring deviations from normal operating conditions of an electronic device (column 1, lines 34-35).

Regarding **claims 2, 5** and **6,** in further discussion of claim 1, Palalau teaches how an electronic device selected by a function switch operated in a first action would be replaced with another device assigned to another function switch (column 6, lines 4-35, figure 9a at 28a-f, 100a-f).

Regarding **claims 10, 13, 14** and **15** in further discussion of claims 9 and 11, Palalau teaches how the CPU 120 controls feature switches 28 and numerous vehicle components such as engine operating information and electronic systems (column 6, line 61 through column 7, line 6, figure 12a at 120). Also, Palalau teaches how the warning graphic 98 would be displayed for a predetermined length of time or until the driver acknowledges having seen the warning by feature group switch (column 5, line 63 through column 6, line 3, figure 8 at 98).

Regarding **claims 17** and **19**, in further discussion of claims 1 and 9, Palalau teaches how the warning graphic 98 is an audio output device (column 5, lines 63-67, figure 8 at 50, 98).

4. **Claims 4, 8, 12** and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Palalau* (U.S. 6,373,472) in view of *Kushion* (U.S. 6,271,637), as in claims 1, 3, 9 and 11 above, and further in view of *Hermann* (U.S. 5,270,689).

Regarding **claims 4, 8** and **12**, in further discussion of claims 3 and 11, the combination of Palalau and Kushion do not teach a second warning/notification signal. On the other hand, Hermann teaches a warning/notification aid by means of providing an acoustic voice output such as beeping noise to provide a vehicle user with an aid for the selection of the correct function group or individual function (column 2, lines 22-28).

Thus, it would have been obvious to a person of ordinary to combine Palalau, Kushion and Hermann inventions because while the combination of Palalau and Kushion teach an error indicator and a warning graphic 98 for generating a warning graphic for informing an operator of a mistaken action (column 5, lines 63 through column 6, line 3, figure 3 at 98), Hermann teaches a warning/notification aid by means of providing an acoustic voice output such as beeping noise to provide a vehicle user with an aid for the selection of the correct function group or individual function (column 2, lines 22-28). The motivation for combining these inventions would have been not only visual support to a user but also hearing support.

Regarding **claims 16**, in further discussion of claim 11, Palalau teaches how the CPU 120 controls feature switches 28 and numerous vehicle components such as engine operating information and electronic systems (column 6, line 61 through column 7, line 6, figure 12a at 120). Also, Palalau teaches how the warning graphic 98 would be displayed for a predetermined length of time or until the driver acknowledges having seen the warning by feature group switch (column 5, line 63 through column 6, line 3, figure 8 at 98).

Regarding **claims 18** and **20**, in further discussion of claims 4 and 12, Palalau teaches how the warning graphic 98 is an audio output device (column 5, lines 63-67, figure 8 at 50, 98).

Response to Arguments

5. Applicant's arguments filed May 30, 2003 have been fully considered but they are not persuasive.

Applicant amended his/her claims and argues that Palalau does not disclose anything about the warning graphic being displayed due to the number of mistakes made by an operator. Also, applicant argues that Kushion does not disclose anything about a preceding manual operation being determined as a mistake when, within a predetermined period of time after any one of the function switches has been operated, another function switch is manually operated.

Examiner disagrees with applicant's contentions. First, Examiner acknowledges that Palalau does not teach a mistake or error counter for monitoring the operation on the feature switches to count and store the number of mistakes on each of the feature switches. However, Kushion teaches a diagnostic system for automobiles that can detect various electric failures, and signal the failure to the operator (column 1, lines 22-24) wherein a counter adapted to increment a count upon each instance of an error signal and to generate an accumulative error signal upon a count exceeding a predetermined threshold value (column 6, lines 15-18; column 4, lines 35-55, figure 5 at 36).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Palalau and Kushion's inventions because while teaches a driver control interface for a vehicle wherein a plurality of function that correspond to a plurality of electronic devices (column 1, lines 8-9, 52-60) wherein a warning graphic 98 would be displayed for a predetermined length of time or until the driver acknowledges having seen the warning by feature group switch (column 5, line 63 through column 6, line 3, figure 8 at 98), Kushion teaches a diagnostic system for automobiles that can detect various electric failures such that a counter is adapted to increment a count upon each instance of an error signal and to generate an accumulative error signal upon a count exceeding a predetermined threshold value (column 6, lines 15-18; column

4, lines 35-55, figure 5 at 36). The motivation for combining these inventions would have been to provide an electric system for measuring deviations from normal operating conditions of an electronic device (column 1, lines 34-35).

As such, applicant's arguments are not persuasive.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Uchendu O. Anyaso

8/9/2003

DENNIS-DOON CHOW
PRIMARY EXAMINER